

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Wong

Serial No: unassigned

Group Art Unit: unassigned

Filed:

Examiner: unassigned

For: ASSEMBLING STRUCTURE FOR ASSEMBLING A FIT-ON SPECTACLE
FRAME WITH AN ORIGINAL SPECTACLE FRAME

PRELIMINARY AMENDMENT

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26,946

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July 25, 2001

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BOX REISSUE

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Assistant Commissioner for Patents

Washington, D.C. 20231

Sir:

This Preliminary Amendment is submitted concurrently with the Reissue Application for
U.S. Patent No. 5,940,162 granted August 17, 1999.

Please amend the application as follows:

IN THE CLAIMS:

Please add new Claims 3-21 as follows:

--3. An eyeglass device comprising:

a first frame including two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,

a bridge connecting the two retaining mechanisms and holding the two retaining mechanisms together, and

a magnetic member at the bridge for magnetically coupling to another magnetic member at the bridge of a second frame;

wherein:

the bridge of the first frame includes a cavity to receive a protrusion at the bridge of the second frame so as to further secure the attachment of the two frames when coupled; and

when the two frames are secured together, due to the locations of the magnetic members, one of the frames is restricted from moving downwards relative to the other frame.--

--4. An eyeglass device as recited in claim 3, wherein:

the magnetic member at the bridge of the first frame is in the cavity; and

the second frame's magnetic member is at least a part of the protrusion.--

--5. An eyeglass device as recited in claim 3 wherein:

the first frame is an auxiliary frame to be coupled to the second frame, which is a primary frame; and

the magnetic member at the auxiliary frame is a permanent magnet to be coupled to the second frame's magnetic member, which is a magnetizable member.--

--6. An eyeglass device comprising:

a bridge configured to connect two retaining mechanism and hold them together, with the two mechanisms for supporting a pair of lenses of a first frame and defining a frontal plane; and

a magnetic member at the bridge for magnetically coupling to another magnetic member at the bridge of a second frame;

wherein the bridge of the first frame includes a cavity to receive a protrusion at the bridge of the second frame so as to further secure the attachment of the two frames when coupled;

such that when the two frames are secured together, due to the location of the magnetic members, one of the frames is restricted from moving downwards relative to the other frame.--

--7. An eyeglass device as recited in claim 6 wherein:

the magnetic member at the bridge of the first frame is in the cavity; and

the magnetic member at the bridge of the second frame is at least a part of the protrusion.--

--8. An eyeglass device as recited in claim 6 wherein:

the first frame is an auxiliary frame to be coupled to the second frame, which is a primary frame; and

the magnetic member at the auxiliary frame is a permanent magnet to be coupled to the second frame's magnetic member, which is a magnetizable member.--

--9. An eyeglass device comprising:

an auxiliary frame including

two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,
a bridge connecting the two retaining mechanisms and holding them together, and
a magnetic member at the bridge; and
a primary frame including
two retaining mechanisms for supporting a pair of lenses,
a bridge connecting the two retaining mechanisms and holding them together, and
a magnetic member at the bridge for magnetically coupling to the magnetic member at
the bridge of the auxiliary frame;

wherein the bridge of the first frame includes a cavity to receive a protrusion at the bridge
of the second frame so as to further secure the attachment of the two frames when coupled;

such that when the two frames are secured together, due to the location of the magnetic
members, the auxiliary frame is restricted from moving downwards relative to the primary
frame.--

--10. An eyeglass device as recited in claim 9 wherein the magnetic member at the
bridge of the auxiliary frame is a permanent magnet.--

--11. An eyeglass device comprising:
a primary frame including
two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,
a bridge connecting the two retaining mechanisms, and holding them together, and
a first magnetic member at the bridge for magnetically coupling to a second magnetic
member at the bridge of an auxiliary frame;

wherein the bridge of the primary frame includes a cavity to receive a protrusion at the bridge of the auxiliary frame so as to further secure the attachment of the two frames when coupled;

such that when the two frames are secured together, due to the location of the magnetic members, the auxiliary frame is restricted from moving downwards relative to the primary frame.--

--12. An eyeglass device comprising:

a bridge configured to connect two retaining mechanism and hold them together, with the two mechanisms for supporting a pair of lenses of a first frame and defining a frontal plane; and

a magnetic member at the bridge for magnetically coupling to at least a part of the bridge of a second frame, so as to attach the two frames together;

wherein:

the magnetic member at the bridge of the first frame is enclosed by the bridge at least from the front to prevent the magnetic member from being visible from the front when the frame is being worn; and

when the two frames are secured together, the magnetic member is coupled to the bridge of the second frame at a surface not parallel to the frontal plane.--

--13. An eyeglass device as recited in claim 12, wherein when the two frames are secured together, the magnetic member is coupled to the bridge of the second frame horizontally.--

--14. An eyeglass device comprising:

a first frame including

two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,

a bridge connecting the two retaining mechanisms and holding the two retaining mechanisms together, and

a magnetic member at the bridge for magnetically coupling to at least a part of the bridge of a second frame, so as to attach the two frames together;

wherein:

the magnetic member at the bridge of the first frame is enclosed by the bridge at least from the front to prevent the magnetic member from being visible from the front when the frame is being worn; and

when the two frames are secured together, the magnetic member is coupled to the bridge of the second frame at a surface not parallel to the frontal plane.--

--15. An eyeglass device as recited in claim 14, wherein:

the bridge of the second frame also includes a magnetic member; and

when the two frames are secured together, the two magnetic members are coupled horizontally.--

--16. An eyeglass device as recited in claim 14 wherein the first frame is an auxiliary frame to be coupled to the second frame, which is a primary frame.--

--17. An eyeglass device as recited in claim 14 wherein the first frame is a primary frame to be coupled to the second frame, which is an auxiliary frame.--

--18. An eyeglass device comprising:

a first frame including

two retaining mechanisms for supporting a pair of lenses, and defining a frontal plane,

a bridge connecting the two retaining mechanisms and holding the two retaining mechanisms together, and

a magnetic member at the bridge for magnetically coupling to at least a portion of the bridge of a second frame; such that:

when the two frames are secured together, the magnetic member is coupled to the bridge of the second frame at a surface not parallel to the frontal plane; and

due to the location of the magnetic member with respect to the bridge of the second frame, one of the frames is restricted from moving downwards relative to the other frame.--

--19. An eyeglass device as recited in claim 18, wherein:

the bridge of the second frame also includes a magnetic member; and

when the two frames are secured together, the two magnetic members are coupled horizontally.--

--20. An eyeglass device as recited in claim 18 wherein the first frame is an auxiliary frame to be coupled to the second frame, which is a primary frame.--

--21. An eyeglass device as recited in claim 18 wherein the first frame is a primary frame to be coupled to the second frame, which is an auxiliary frame. --

REMARKS

The present Preliminary Amendment is submitted concurrently with the Reissue Application for U.S. Pat. No. 5,940,162. Applicant's U.S. Patent No. 5,940,162 (the "'162 Patent") is wholly or partially inoperative because Applicant inadvertently claimed less than he had the right to claim, based on the totality of his invention and the priority date(s) to which he is entitled. Applicant has therefore added broader claims 3-21. No new matter has been added, and all the claims as amended herein are fully supported by the specification as originally filed. Applicant believes this request for a broadening reissue application meets the requirements of 35 U.S.C. § 251 because it is filed within two years of the patent grant date, August 17, 1999. Applicant wishes to bring to the Examiner's attention that new claims 3-21 are copied directly from U.S. Patent No. 6,092,896 (the "'896 Patent").

Furthermore, Applicant is currently involved in a litigation in which Applicant has been sued for alleged infringement of U.S. Patent No. 6,092,896. This action is encaptioned Aspex Eyewear, Inc. et al. v. Cheuk Ho Optical International, Ltd., Civil Action No. 01-CV-1315 (RMB) (S.D.N.Y., Judge Berman). Although Applicant believes he is entitled to at least the claims as presented in the '896 patent (in addition to the already issued claims of the '162 patent) by virtue of his priority of invention and his disclosure and claims in the '162 patent, infringement of the '162 patent by the '896 patent owner(s) (or any other party) has not been alleged in any forum. Therefore, the validity of the '162 patent is not at issue in the litigation or in any forum, and the pending litigation is respectfully submitted to be of no relevance to the determination of this Reissue Application. Applicant acknowledges the duty pursuant to MPEP

§ 1442 to notify the Patent and Trademark Office should the validity of the '162 patent become of issue in the pending action regarding the '896 Patent or any other litigation.

Applicant additionally acknowledges the duty pursuant to 37 C.F.R. 1.178 to surrender the original patent should a reissue patent be granted on this application. Applicant hereby offers to surrender original U.S. Patent No. 5,940,162 should a reissue patent be granted on the present application.

Support for new claim 3 may be found in the specification at least at column 1, lines 44-48 and column 2, lines 13-34, and in Figures 1, 2, 3, 5 and 7.

Support for new claim 4 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54.

Support for new claim 5 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54 and in Figures 2, 4, 6 and 7.

Support for new claim 6 may be found in the specification at least at column 1, lines 44-48 and column 2, lines 13-34 and in Figures 1, 2, 3, 5 and 7.

Support for new claim 7 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54.

Support for new claim 8 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54.

Support for new claim 9 may be found in the specification at least at column 1, lines 44-48 and column 2, lines 13-34 and in Figures 1-7.

Support for new claim 10 may be found in the specification at least at column 1, lines 44-48 and column 2, lines 13-54.

Support for new claim 11 may be found in the specification at least at column 1, lines 44-48 and column 2, lines 13-34 and in Figures 1, 2, 3, 5 and 7.

Support for new claim 12 may be found in the specification at least at column 1, lines 44-51 and column 2, lines 13-54 and in Figures 1-7.

Support for new claim 13 may be found in the specification at least at column 1, lines 44-51 and column 2, lines 8-54 and in Figures 2, 4, 6 and 7.

Support for new claim 14 may be found in the specification at least at column 1, lines 44-51 and column 2, lines 13-54 and in Figures 1-7.

Support for new claim 15 may be found in the specification at least at column 1, lines 44-51 and column 2, lines 8-54 and in Figures 4, 6 and 7.

Support for new claim 16 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54 and in Figures 2, 4, 6 and 7.

Support for new claim 17 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54 and in Figures 2, 4, 6 and 7.

Support for new claim 18 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 9-54 and in Figures 1-7.

Support for new claim 19 may be found in the specification at least at column 1, lines 44-52 and column 2, lines 8-18 and lines 35-54 and in Figures 2, 4, 6 and 7.

Support for new claim 20 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54 and in Figures 2, 4, 6 and 7.

Support for new claim 21 may be found in the specification at least at column 1, lines 42-51 and column 2, lines 49-54 and in Figures 2, 4, 6 and 7.

CONCLUSION

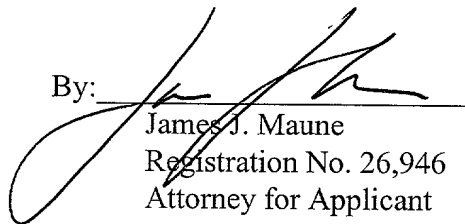
In view of the above amendments and remarks, Applicant respectfully submits that the Reissue Application is in condition for allowance, and earnestly requests early and favorable action to this end.

July 25, 2001

Dated

Respectfully submitted,
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